

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

Mars Electronics International, Inc.,
a Delaware corporation, and
Mars, Incorporated,
a Delaware corporation,

Plaintiffs,

v.

International Currency Technologies Corp.,
a Taiwanese corporation, and
International Currency Technologies Inc.,
a California corporation,

Defendants.

Civil Action No. _____

Demand For Jury Trial

COMPLAINT

Plaintiffs, Mars Electronics International, Inc. and Mars, Incorporated (collectively “Mars”), by and through their undersigned attorneys, hereby file this Complaint against International Currency Technologies Corp., a Taiwanese corporation, and International Currency Technologies Inc., a California corporation (collectively “Defendants”), requesting damages and injunctive relief.

NATURE OF THE ACTION

1. Mars, Incorporated (“Mars, Inc.”) is the owner of United States Patent No. 5,632,367 (“the ‘367 patent”) which covers the validation portion of a bill validator. Bill validators may be used in vending machines, slot machines and other devices requiring the validation of paper currency.

2. Mars Electronics International, Inc. (“MEI”) is an exclusive licensee of the ‘367 patent.

3. Upon information and belief, Defendants have been and still are infringing, contributing to, and/or actively inducing infringement of the '367 patent in this judicial district and elsewhere in the United States by the manufacture, use, sale, offer for sale and/or importation into the United States of bill validators falling within the scope of the claimed subject matter in the '367 patent. By virtue of Defendants' infringement, Mars is entitled to damages and injunctive relief.

THE PARTIES

4. Mars, Inc. is a corporation organized and existing under the laws of the State of Delaware, having a principal place of business at 6885 Elm Street, McLean, Virginia 22101-3883.

5. MEI is a corporation organized and existing under the laws of the State of Delaware, having a principal place of business at 1301 Wilson Drive, West Chester, Pennsylvania 19380.

6. On information and belief, Defendant International Currency Technologies Corp. ("ICT") is a Taiwanese corporation, having its principal place of business at 24, Alley 38, Lane 91, Nei-hu Rd., Sec. 1, Taipei City 11441, Taiwan, (R.O.C.).

7. On information and belief, Defendant International Currency Technologies Inc. ("ICT-USA") is a California corporation, having its principal place of business at 43010 Osgood Road, Fremont, California 94539.

JURISDICTION AND VENUE

8. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35, United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

9. Upon information and belief, Defendants conduct and have conducted a substantial, systematic, and continuous business of selling and distributing infringing bill validators in this judicial district. Moreover, Defendants purposefully have offered to sell, have sold and/or have distributed infringing bill validators through regular distribution channels knowing such products would be used and/or sold in this judicial district. One such distributor of Defendants' infringing bill validators in this judicial district is Happ Controls, Inc., located at 77 McCullough Drive, Suite 10, New Castle, Delaware 19720.

10. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400(b).

THE PATENT IN SUIT

11. On May 27, 1997, United States Patent No. 5,632,367 entitled "VALIDATION HOUSING FOR A BILL VALIDATOR MADE BY A TWO SHOT MOLDING PROCESS" was duly and legally issued to plaintiff, Mars, Inc., as assignee of the inventors, Alfred J. Bergeron, Thomas E. Shuren and Scott Hudis. Pursuant to Local Rule 3.2, a copy of the '367 patent is attached hereto as Exhibit 1.

CAUSE OF ACTION FOR PATENT INFRINGEMENT

12. Mars incorporates and re-alleges paragraphs 1-11 as if fully set forth herein.

13. Defendants have been and still are infringing, contributing to and actively inducing infringement of the '367 patent in this judicial district and elsewhere in the United States by the manufacture, use, sale, offer for sale and/or importation into the United States of ICT bill validators.

14. Defendants have profited through infringement of the '367 patent. As a result of Defendants' unlawful infringement of the '367 patent, Mars has suffered in an amount not yet determined and will continue to suffer damages in the future.

15. Upon information and belief, Defendants' acts of infringement have been willful and deliberate. Such acts entitle Mars to enhanced damages and reasonable attorneys fees.

16. Upon information and belief, Defendants intend to continue their unlawful infringing activity and Mars will continue to be damaged by such infringement, unless Defendants are enjoined by this Court.

REQUEST FOR RELIEF

WHEREFORE, Mars requests with respect to Defendants:

- a. Judgment that Defendants have infringed the '367 patent,
- b. Judgment that Defendants' patent infringement has been, and continues to be, willful and deliberate,
- c. Judgment that this is an exceptional case pursuant to 35 U.S.C. § 285,
- d. An order permanently enjoining Defendants, their subsidiaries, officers, agents, servants, employees, licensees, distributors, and all other persons acting or attempting to act in active concert or participation with them or acting on their behalf, from further infringement, inducement of infringement, and contributory infringement of the '367 patent,
- e. An order awarding to Mars, to the extent allowable by law, recovery for all damages caused by Defendants' patent infringement,
- f. An order awarding treble the amount of damages to Mars because of the willful, knowing and wanton nature of Defendants' conduct,
- g. An order directing Defendants to pay Mars' costs, expenses, and attorneys fees pursuant to 35 U.S.C. §§ 284 and 285, as well as Fed.R.Civ.P. 54 (d),
- h. An order awarding to Mars pre-judgment and post-judgment interest on the damages caused to Mars by Defendants' patent infringement, and
- i. any other relief appropriate as the Court may deem just and proper.

JURY DEMAND

Plaintiffs demand a trial by jury of all issues triable as of right by a jury in this action.

Dated: April 25, 2005

FISH & RICHARDSON P.C.

By: /s/ William J. Marsden, Jr.

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